

REMARKS

The Office Action of July 8, 2008 has been reviewed and the Examiner's comments carefully considered. In the Office Action, the claims have been restricted under 35 U.S.C. §121 between the following allegedly distinct species:

- I. Piezoelectric material embodiment;
- II. Substrate embodiment.

The Applicants hereby provisionally elect for further prosecution the invention of Species II. Applicants submit that claims 3-7 read on Species II, as indicated by the Examiner. The election is made with traverse for the reasons set forth below.

The present application is the U.S. national phase of International Application No. PCT/JP2005/001564. For the U.S. national phase of international applications, the Examiner is to apply the principles of unity of invention given in PCT Rule 13, 37 C.F.R. §1.499; M.P.E.P. 1893.03(d), as opposed to the restriction practice of 37 C.F.R. §§1.141-1.146 that has been applied here.

Under the unity of invention principles, the Applicants assert that Species I and II relate to a single inventive concept because the technical relationship among the Species involves corresponding special technical features as set forth in the claims. Applicants submit that the Restriction Requirement is improper as the technical relationship between Species I and Species II is not addressed under unity of invention principles.

In view of the foregoing, Applicants respectfully request that the outstanding Restriction Requirement be withdrawn and pending claims 1-7 be examined at this time.

Applicants expressly reserve the right to file one or more divisional patent applications on any of the non-elected groups or species as identified in the Office Action.

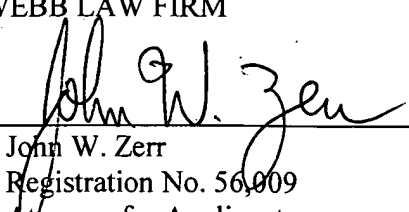
Application No. 10/588,240
Paper Dated: August 8, 2008
In Reply to USPTO Correspondence of July 8, 2008
Attorney Docket No. 5453-061931

Present examination of pending claims 1-7 is hereby respectfully requested.

Respectfully submitted,

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